

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: R. Christopher DECHARMS

Serial Number: 10/066,004

Filing Date: January 30, 2002

Title: METHODS FOR PHYSIOLOGICAL
MONITORING, TRAINING, EXERCISE
AND REGULATION

Group Art Unit: 3737

Examiner: Ruth S. Smith

CONFIRMATION NO: 7144

FILED ELECTRONICALLY ON: May 1, 2007

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.97

Sir:

Applicant hereby submits an Information Disclosure Statement along with attached form PTO/SB/08. A copy of each listed publication is submitted, if required, pursuant to 37 CFR §§1.97-1.98, as indicated below.

Applicant respectfully requests that the listed information be considered by the Examiner and be made of record in the above-identified application. Applicant further requests that the Examiner initial and return the attached form PTO/SB/08 in accordance with MPEP §609.

Applicant reserves the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, prior art or material to patentability as defined in §1.56.

- A. ☐ 37 CFR §1.97(b). This Information Disclosure Statement should be considered by the Office because:
- ☐ (1) It is being filed within 3 months of the filing date of a national application and is other than a continued prosecution application under §1.53(d);
-- OR --
 - ☐ (2) It is being filed within 3 months of entry of the national stage as set forth in §1.491 in an international application;
-- OR --
 - ☐ (3) It is being filed before the mailing of a first Office action on the merits;
-- OR --
 - ☐ (4) It is being filed before the mailing of a first Office action after the filing of a request for continued examination under §1.114.
- B. ☒ 37 CFR §1.97(c). Although this Information Disclosure Statement is being filed after the period specified in 37 CFR §1.97(b), above, it is filed before the mailing date of the earlier of (1) a final office action under §1.113, (2) a notice of allowance under §1.311, or (3) an action that otherwise closes prosecution on the merits, this Information Disclosure Statement should be considered because it is accompanied by one of:
- ☐ a statement as specified in §1.97(e) provided concurrently herewith;
-- OR --
 - ☒ a fee of \$180.00 as set forth in §1.17(p) authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- C. ☐ 37 CFR §1.97(d). Although this Information Disclosure Statement is being filed after the mailing date of the earlier of (1) a final office action under §1.113 or (2) a notice of allowance under §1.311, it is being filed before payment of the issue fee and should be considered because it is accompanied by:
- i. a statement as specified in §1.97(e);
-- AND --
 - ii. a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this Statement.
- D. ☐ 37 CFR §1.97(e). Statement.
- ☐ A statement is provided herewith to satisfy the requirement under 37 CFR §§1.97(c);
-- AND/OR --
 - ☐ A statement is provided herewith to satisfy the requirement under 37 CFR §§1.97(d);
-- AND/OR --
 - ☐ A copy of a dated communication from a foreign patent office clearly showing that the information disclosure statement is being submitted within 3 months of the filing date on the communication is provided in lieu of a statement under 37 C.F.R. § 1.97(e)(1) as provided for under MPEP 609.04(b) V.
- E. ☐ Statement Under 37 C.F.R. §1.704(d). Each item of information contained in the information disclosure statement was first cited in a communication from a foreign patent office in a counterpart application that was received by an individual designated in § 1.56(c) not more than thirty (30) days prior to the filing of this information disclosure statement. This statement is made pursuant to the

requirements of 37 C.F.R. § 1.704(d) to avoid reduction of the period of adjustment of the patent term for Applicant(s) delay.

F. ☐ 37 CFR § 1.98(a)(2). The content of the Information Disclosure Statement is as follows:

☐ Copies of each of the references listed on the attached Form PTO/SB/08 are enclosed herewith.

-- OR --

☒ Copies of U.S. Patent Documents (issued patents and patent publications) listed on the attached Form PTO/SB/08 are NOT enclosed.

-- AND/OR --

☒ Copies of Foreign Patent Documents and/or Non Patent Literature Documents listed on the attached Form PTO/SB/08 are enclosed in accordance with 37 CFR § 1.98 (a)(2).

-- AND/OR --

☐ Copies of pending unpublished U.S. patent applications are enclosed in accordance with 37 CFR § 1.98(a)(2)(iii).

G. ☐ 37 CFR § 1.98(a)(3). The Information Disclosure Statement includes non-English patents and/or references.

☐ Pursuant to 37 CFR § 1.98(a)(3)(i), a concise explanation of the relevance of each patent, publication or other information provided that is not in English is provided herewith.

☐ Pursuant to MPEP 609(B), an English language copy of a foreign search report is submitted herewith to satisfy the requirement for a concise explanation where non-English language information is cited in the search report.

-- OR --

☐ A concise explanation of the relevance of each patent, publication or other information provided that is not in English is as follows: _____

☐ Pursuant to 37 CFR § 1.98(a)(3)(ii), a copy of a translation, or a portion thereof, of the non-English language reference(s) is provided herewith.

H. ☐ 37 CFR § 1.98(d). Copies of patents, publications and pending U.S. patent applications, or other information specified in 37 C.F.R. § 1.98(a) are not provided herewith because:

☐ Pursuant to 37 CFR § 1.98(d)(1) the information was previously submitted in an Information Disclosure Statement for another application under which this application claims priority for an earlier effective filing date under 35 U.S.C. 120.

Application in which the information was submitted: _____

Information Disclosure Statement(s) filed on: _____

AND

☐ The information disclosure statement submitted in the earlier application complied with paragraphs (a) through (c) of 37 CFR § 1.98.

- I. ☒ *Fee Authorization.* The Commissioner is hereby authorized to charge the above-referenced fees of \$180.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 23-2415 (Docket No. 27969-702).

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI

Dated: May 1, 2007

650 Page Mill Road
Palo Alto, CA 94304-1050
(650) 493-9300
Customer No. 021971

By: _____


Peggy Radd, Reg. No. 57,238

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Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/006,004
				Filing Date	January 30, 2002
				First Named Inventor	R. Christopher Decharms
				Art Unit	3737
Examiner Name	Ruth S. Smith				
Sheet	1	Of	4	Attorney Docket Number	27969-702

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1.	US 2002/0019364	02/14/2002	Renshaw	
	2.	US 2002/0042563	04/11/2002	Becerra et al.	
	3.	US 2002/0058867	05/16/2002	Breiter et al.	
	4.	US 2002/0183817	12/05/2002	Van Venrooij et al.	
	5.	US 2003/0144709	07/31/2003	Zabara et al.	
	6.	US 2003/0181960	09/25/2003	Carter et al.	
	7.	US 2003/0208245	11/06/2003	Mahadevan-Jansen et al.	
	8.	US 2003/0225326	12/04/2003	Querleux et al.	
	9.	US 2003/0229107	12/11/2003	Cowan et al.	
	10.	US 2004/0013291	01/22/2004	Hillman	
	11.	US 2004/0096395	05/20/2004	Xiong et al.	
	12.	US 2004/0214790	10/28/2004	Borgens	
	13.	US 2004/0215286	10/28/2004	Stypulkowski	
	14.	US 2005/0053550	03/10/2005	Paskavitz et al.	
	15.	US 2005/0079636	04/14/2005	White et al.	
	16.	US 2005/0154290	07/14/2005	Langleben	
	17.	US 2006/0155348	07/13/2006	deCharams	
	18.	US 3,893,450	07/08/1975	Ertl	
	19.	US 5,293,879	03/15/1994	Vonk et al.	
	20.	US 5,331,969	07/26/1994	Silberstein	
	21.	US 5,445,608	08/29/1995	Chen et al.	
	22.	US 5,716,377	02/10/1998	Rise et al.	
	23.	US 5,824,027	10/20/1998	Hoffer et al.	

Examiner Signature	Date Considered
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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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	24.	US 5674258	10/07/1997	Henschel et al.	
	25.	US 6,099,319	08/08/2000	Zaltman et al.	
	26.	US 6,921,413	07/26/2005	Mahadevan-Jansen et al.	
	27.	US 6,925,328	08/02/2005	Foster et al.	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ² - Number ³ - Kind Code ⁴ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁵
	28.	GB 221759	09/18/1924	Pitt Railway Equipments Ltd.		
	29.	WO 97/33515	09/18/1997	Zawilinski		

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			Art Unit	3737	
			Examiner Name	Ruth S. Smith	
Sheet	3	Of	4	Attorney Docket Number	27969-702

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		T ⁶
	30.	"Virtual Retinal Display (VRD) Technology", presented in www.cs.nps.navy.mil/people/faculty/capps/4473/projects/fiambolis/vrd/vrd_full.html . Accessed January 27, 2006.		
	31.	ALLEGRE, G. et al. Stimulation in the rat of a nerve fiber bundle by a short UV pulse from an excimer laser. <i>Neuroscience Letters</i> . 1994; 180(2): 261-4. (Abstract)		
	32.	CAPECCI, M. et al. Chronic Bilateral Subthalamic Deep Brain Stimulation in a Patient with Homozygous Deletion in the Parkin Gene. <i>Movements Disorders</i> . 2004; Vol. 19(12): 1450-1452.		
	33.	CUSCHIERI, A. Laparoscopic surgery: current status, issues and future developments. <i>Surgeon</i> . 2005; 3(3):125-30, 132-3, 135-8. (Abstract)		
	34.	EDWARDS, G. et al. Tissue ablation by a free-electron laser tuned to the amide II band. <i>Nature</i> . 1994; 371(6496): 416-9, 1994. (Abstract)		
	35.	KUNCEL, A. M., et al. Selection of Stimulus Parameters for Deep Brain Stimulation. <i>Clinical Neurophysiology</i> . 2004; 115: 2431-2441.		
	36.	VAN HORNE, C.G. et al. Multichannel semiconductor-based electrodes for in vivo electrochemical and electrophysiological studies in rat CNS. <i>Neuroscience Letters</i> . 1990; 120 (2): 249-252. (Abstract)		
	37.	SACHS, H. G. et al. Retinal Replacement – the Development of Microelectronic Retinal Prostheses – Experience with Subretinal Implants and New Aspects. <i>Graefes' Arch Clin Exp Ophthalmol</i> . 2004; 242: 717-723.		
	38.	SCHACHTER, S. C. Vagus nerve stimulation: current status and clinical applications. <i>Expert Opin Investig Drugs</i> . 1997; 6(10): 1327-35. (Abstract)		
	39.	SCHMITZ, D. et al. Synaptic activation of presynaptic kainate receptors on hippocampal mossy fiber synapses. <i>Neuron</i> . 2000; 27(2): 327-338. (Abstract)		
	40.	SIMPSON, K. H. et al. A Randomized, Double-Blind, Crossover Study of the Use of Transcutaneous Spinal Electroanalgesia in Patients with Pain from Chronic Critical Limb Ischemia. <i>Journal of Pain and Symptom Management</i> . 2004; Vol. 28(5): 511-516.		

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				Examiner Name	Ruth S. Smith
Sheet	4	Of	4	Attorney Docket Number	27969-702

41.	TURNER, J. A. et al. Spinal Cord Stimulation for Patients With Failed Back Surgery Syndrome or Complex regional Pain Syndrome: A Systematic Review of Effectiveness and Complications. <i>Pain</i> . 2004; 108: 137-147.	
42.	VIIRRE, E. et al. The virtual retinal display: a new technology for virtual reality and augmented vision in medicine. <i>Stud Health Technol Inform</i> . 1998; 50:252-7.	

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